

REMARKS

In the Final Action dated September 9, 2010, claims 11-13, 15, 19 and 23 were pending and under consideration. The claims were rejected under 35 U.S.C. §103(a) as allegedly obvious over WO99/24078 in view of U.S. Patent 5,316,920, as evidenced by U.S. Patent 5,766,570.

This Response addresses the Examiner's rejection. Applicants therefore respectfully submit that the present application is in condition for allowance. Favorable consideration of all pending claims is therefore respectfully requested.

Claim Amendments

Claims 11, 12, 13, 15 and 23 have been amended herein. Claims 24-27 are added.

Support for the amendment to claims 11, 12 and 15 to define an immune-competent graft comprising bone marrow stem cells is found in the specification, e.g., at page 26, line 29 to page 27, line 3.

Support for the amendment to claim 11 to define a monoclonal antibody or an antigen-binding fragment thereof is found in the specification, e.g., at page 6, lines 1-5 and page 14, line 25 to page 15, line 5.

Support for the amendment to claims 11, 12 and 15 to define the antibody of antigen-binding fragment as not conjugated to a toxic component which induces or otherwise facilitates lysis of a DC and/or T cell, is found in the specification, for example, at page 23, line 17, and in original claim 7, and in the exemplified subject matter.

Support for amended claims 13 and 23 and new claims 24-27 is found in the specification, e.g., at page 26, line 29 to page 27, line 5.

The foregoing amendments are made without any concession or disclaimer and merely to advance prosecution.

Obviousness

The Examiner asserts that claims 11-13, 15, 19 and 23 are obvious over WO99/24078 in view of U.S. Patent 5,316,920, as evidenced by U.S. Patent 5,766,570.

Applicants first draw the Examiner's attention to the present claim language that requires an antibody or antigen-binding domain to be not conjugated to a toxic moiety. Applicants respectfully submit that the claims, as presently recited, are not obvious over the cited art.

In this regard, Applicants wish to reassert the argument, previously submitted, that those skilled in the art would not have expected antibodies that target CD83 to be useful in the methods as claimed, due to the unpredictable nature of antibody therapy. As previously noted, the WO 99/24078 reference itself teaches that not all dendritic cell antibodies eliminate dendritic cells *in vivo*, as shown in example 2.

The Examiner responded to the Applicants' argument in the Final Action by stating:

"While it might be unpredictable as to whether administration of a particular unconjugated antibody would result in depletion of bound cells, WO 99/24078 teaches that cell depletion can readily be achieved by linking antibodies to a toxin for inducing lysis of the bound cells. The ordinary artisan would have a reasonable expectation of success that any antibody that binds to a dendritic cell, when linked to a toxin, could be used to induce lysis of the bound dendritic cells". Page 3, middle paragraph of the Final Action.

Clearly, the Examiner admitted that it might be unpredictable as to whether administration of a particular unconjugated antibody would result in depletion of bound cells, further supporting the unobviousness of the claims as presently recited.

Applicants further reassert the previous argument that the immunological effects of dendritic cell antibodies can range from inhibition of maturation to enhanced immunopotentiality by preventing dendritic cell death, as taught by WO 01/02005 and U.S. Patent 7,052,694.

The Examiner responded to this argument by stating in the Final Action that the method made obvious does not involve modulating the activity of dendritic cells with a CD83 antibody; rather, what is made obvious is a method of depleting dendritic cells *in vivo* using CD83 antibody conjugated to a toxic component (i.e. an immunotoxin). See page 3, last paragraph of the Action.

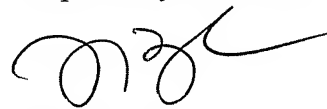
Again, these remarks from the Examiner are not applicable to the amended claims which require the antibody to be unconjugated with a toxic moiety.

It is therefore respectfully submitted that the claims, as presently recited, are not obvious over the cited combination of art. Withdrawal of the rejection is therefore respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



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